

**DANIEL M. KININMONTH, ESQ.**

**FMCS-4092**

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**PRESENT OCCUPATION:** Attorney, Mediator and Arbitrator

**FIRST BUSINESS ADDRESS:**

211 Old Towne Road  
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**PROFESSIONAL AFFILIATIONS:**

Kentucky Bar Association  
Federal Dispute Resolution Committee

**EDUCATION:**

JD Law  
MS Community Development  
MBA Business  
BA Political Science  
AAS Accounting

University of Louisville, 1974  
University of Louisville, 1979  
University of Louisville, 1976  
University of Louisville, 1969  
University of Louisville, 1976

**CERTIFICATIONS**

Law Kentucky 1974  
Law Indiana 1981

**ARBITRATION/LABOR RELATIONS EXPERIENCE:**

**2007-Present:** Arbitrator in private and federal sector cases. **2007-2011:** Private attorney for employees and union in arbitration, EEOC, MSPB, and security clearance cases in the federal sector. **1989-2007:** Government Attorney/Labor Counselor for U.S. Army, Fort Knox, KY management in arbitration, contract negotiations, EEOC, MSPB and Unfair Labor Practice cases in the federal sector. Provided advice on personnel actions.

**INDUSTRIES:**

Manufacturing, greeting cards, retail, uniform rental, janitorial supplies, distillery, printing, wholesale food distribution, municipal government, federal government.

**ISSUES:**

Absenteeism, Alcohol, Dishonesty, Discipline (Discharge), Disability, Drugs, Off-Duty Misconduct. Work experience representing the federal government and federal employees involved many issues including Arbitrability, Disability Discrimination, Discipline (Discharge/Removal), Discipline (Non-discharge), Environment Differential Pay, Holiday Pay, Job Performance, Management Rights, Official Time, Work Jurisdiction, etc.

**ARBITRATION ROSTERS:**

Federal Mediation and Conciliation Service  
Kentucky Labor Cabinet  
Louisville Labor-Management Committee

**FEES:**

**PER DIEM FEE:** \$800.00 (**\$950.00 effective 1/9/15**)    **DOCKETING FEE:** None

**CANCELLATION FEE:** (See below)

**GRIEVANCE ARBITRATION:** The fee is \$800.00 (**\$950.00 effective 1/9/15**) per day for each day of the hearing and for research and preparation of the opinion and award. A hearing day is any portion of a day up to eight hours. Time for research and preparation is prorated.

**CANCELLATION POLICY:** A cancellation fee of \$400.00 (**\$500.00 effective 1/9/15**) is charged for cancellations with less than a fourteen calendar days' notice. There is no postponement fee.

**TRAVEL TIME:** Travel time is not charged for any arbitration hearings held in the Cincinnati, Ohio, Clarksville, Tennessee, Indianapolis, Indiana, Louisville, Kentucky, and Nashville, Tennessee metropolitan areas. Travel time is based on the per diem fee for each travel day up to 8 hours. The charge is prorated if the actual time is less than 8 hours. No charge for travel time that exceeds 8 hours in one travel day.

**EXPENSES:** No travel expenses for either air or ground transportation will be charged for arbitration hearings in Indiana and Kentucky. Ground transportation for arbitration hearings outside Indiana and Kentucky will be at the applicable current IRS rate per mile. There will be no charges for travel expenses to the Cincinnati, OH, Clarksville, TN, Indianapolis, IN, Louisville, KY and Nashville, TN metropolitan areas including lodging. When ground transportation is not used for hearings outside Indiana and Kentucky, the Arbitrator will charge for coach air flights and car rental. Reasonable lodging expenses will be charged for travel outside of the Cincinnati, OH, Clarksville, TN, Indianapolis, IN, Louisville, KY and Nashville, TN metropolitan areas, if necessary. The arbitrator does not charge for meals, telephone calls and photocopying.

**SYSTEM FOR AWARD MANAGEMENT (SAM):** Arbitrator is registered with the federal government in the System for Award Management (SAM) which is a payment system for the Department of Defense and several other federal agencies.

**PUBLISHED DECISIONS:** *Barton 1792 Distillery*, 133 LA 404, 14-1 ARB ¶6155 (2014)(cited in Elkouri & Elkouri, *How Arbitration Works*, ¶13.26F, ¶15.3ix (Kenneth May, et al. eds., 7<sup>th</sup> ed., Bloomberg BNA, 2014 Supp.).

*Sysco Indianapolis, Inc.*, 133 LA 705, 14-2 ARB ¶6206 (2014) (cited in Elkouri & Elkouri, *How Arbitration Works*, ¶15.3.D.ii.a (Kenneth May, et al. eds., 7<sup>th</sup> ed., Bloomberg BNA, 2014 Supp.).

*Department of The Army, Ireland Army Community Hospital*, 133 LA 1476, 14-2 ARB ¶6274, 114 LRP 41211 (2014).

*City of Cincinnati Metropolitan Sewer District*, 133 LA 1629 (2014).